

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By **CHAIRMAN TOM ZOOK**, on March 19, 1999 at 8:00 A.M., in Room 312 - 2 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Tom Zook, Chairman (R)  
Rep. Joe Quilici, Vice Chairman (D)  
Rep. Steve Vick, Vice Chairman (R)  
Rep. Beverly Barnhart (D)  
Rep. Ernest Bergsagel (R)  
Rep. Peggy Bergsagel (R)  
Rep. Rosalie (Rosie) Buzzas (D)  
Rep. John Cobb (R)  
Rep. Stan Fisher (R)  
Rep. Dick Haines (R)  
Rep. Royal Johnson (R)  
Rep. Betty Lou Kasten (R)  
Rep. Red Menahan (D)  
Rep. Ray Peck (D)  
Rep. Lila Taylor (R)  
Rep. Joe Tropila (D)  
Rep. John Witt (R)

**Members Excused:** None.

**Members Absent:** Rep. Matt McCann (D)

**Staff Present:** Joanne Gunderson, Committee Secretary  
Taryn Purdy, Legislative Fiscal Division

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed. Minutes were recorded on a Sony BI-85 machine; references are measured in inches rather than minutes.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 664, SB 81, SB 27, 3/16/1999  
Executive Action: HB 238, HB 664, HB 252, HB 131, HB 653,  
HB 490, HB 644, HB 431, HB 14, HB 313

HEARING ON HB 664

Opening Statement by Sponsor:

Rep. Hal Harper, HD 52, presented HB 664.

{Tape : 1; Side : A; Approx. Time Counter : 9 - 76}

Proponents' Testimony:

Jerry Wells, Trout Unlimited

{Tape : 1; Side : A; Approx. Time Counter : 76 - 111}

Bill Ferris, Three Forks Public Lands Access Association, Inc.

{Tape : 1; Side : A; Approx. Time Counter : 111 **EXHIBIT** (aph62a01)

**EXHIBIT** (aph62a02)

John Kober, Montana Wildlife Federation

{Tape : 1; Side : A; Approx. Time Counter : 151 - 163}

Bill Orsello, Prickley Pear Sportsmen

{Tape : 1; Side : A; Approx. Time Counter : 163 - 171}

Charlie McCarthy, Helena

{Tape : 1; Side : A; Approx. Time Counter : 171 - 190}

Janet Ellis, Montana Audubon

{Tape : 1; Side : A; Approx. Time Counter : 190 - 203}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 203 - Side : B;  
Approx. Time Counter : 144}

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 144 - 171}

HEARING ON SB 81

Opening Statement by Sponsor:

Sen. John Harp, SD 42, presented SB 81.

{Tape : 1; Side : B; Approx. Time Counter : 171 - Tape : 2; Side

: A; Approx. Time Counter : 045} **EXHIBIT** (aph62a03)

**EXHIBIT** (aph62a04)

**EXHIBIT** (aph62a05)

**EXHIBIT** (aph62a06)

Proponents' Testimony:

Laurie Ekanger, Director, Department of Health and Human Services (DPHHS)

{Tape : 2; Side : A; Approx. Time Counter : 45 - 96; Comments :  
Also spoke on behalf of the Governor.}

Erica Palmer, Montana People's Action **EXHIBIT**(aph62a07)

{Tape : 2; Side : A; Approx. Time Counter : 96 - 122}

Paul Peterson, Coalition of Montanans Concerned with Disabilities

{Tape : 2; Side : A; Approx. Time Counter : 122 - 163}

Penni Raymond, WEEL

**EXHIBIT**(aph62a08)

{Tape : 2; Side : A; Approx. Time Counter : 163 - 214; Comments :  
Exhibit 8 is over 1,000 postcards and 7 letters of support.}

Lee Arbuckle, Montana League of Women Voters

**EXHIBIT**(aph62a09)

{Tape : 2; Side : A; Approx. Time Counter : 214 - 268}

Dr. Liz Gundersen, Helena

**EXHIBIT**(aph62a10)

{Tape : 2; Side : A; Approx. Time Counter : 268 - 302}

Dr. Suzanne Dixon, Great Falls

{Tape : 2; Side : A; Approx. Time Counter : 302 - 340}

Steve Yeakel, Montana Council for Maternal & Child Health;  
Montana Dental Hygienists' Association; Patient and Clinical  
Services

**EXHIBIT**(aph62a11)

{Tape : 2; Side : A; Approx. Time Counter : 340 **EXHIBIT**(aph62a12)}

Dick Paulsen, Healthy Mothers/Healthy Babies

{Tape : 2; Side : A; Approx. Time Counter : 412 - 473}

Frances Guthridge, RN

{Tape : 2; Side : A; Approx. Time Counter : 473 - 490}

Kelly Hubbard, MCSA

{Tape : 2; Side : A; Approx. Time Counter : 490 - 498}

Chuck Butler, Blue Cross/Blue Shield

{Tape : 2; Side : A; Approx. Time Counter : 498 - Side : B;  
Approx. Time Counter : 033}

Mary McCue, Dental Association

{Tape : 2; Side : B; Approx. Time Counter : 33 - 43; Comments :  
This witness did not sign the visitor register.}

Ellen Leahy, Missoula Health Department **EXHIBIT**(aph62a13)  
{Tape : 2; Side : B; Approx. Time Counter : 43 - 51}

Sharon Hoff, Montana Catholic Conference  
{Tape : 2; Side : B; Approx. Time Counter : 51 - 54}

Jim Ahrens, Montana Hospital Association  
{Tape : 2; Side : B; Approx. Time Counter : 54 - 63}

Betty Waddell, Montana Association of Churches  
{Tape : 2; Side : B; Approx. Time Counter : 63 - 80}

Terry Minow, MEA/MFT  
{Tape : 2; Side : B; Approx. Time Counter : 80 - 90}

Frank Cote, Montana Insurance Commissioners  
{Tape : 2; Side : B; Approx. Time Counter : 90 - 100}

Agnes Slattery, Helena  
{Tape : 2; Side : B; Approx. Time Counter : 100 - 128}

Elizabeth Espelin, HMHB  
{Tape : 2; Side : B; Approx. Time Counter : 128 - 144}

Jerry Loendorf  
{Tape : 2; Side : B; Approx. Time Counter : 144 - 148; Comments :  
This witness did not sign the visitors register.}

Sami Butler, Nurses Association  
{Tape : 2; Side : B; Approx. Time Counter : 148 - 162}

Opponents' Testimony: None.

Informational Testimony:

Arlette Randash, Eagle Forum  
{Tape : 2; Side : B; Approx. Time Counter : 162 - 191}

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 191 - Tape: 3; Side :  
A; Approx. Time Counter : 15}

Closing by Sponsor:

{Tape : 3; Side : A; Approx. Time Counter : 15 - ~~EXHIBIT~~(aph62a15)

Exhibits 14, 15 and 16 were submitted at the clo**EXHIBIT**(aph62a16)  
of the hearing without testimony.

EXECUTIVE ACTION ON HB 664

Motion: REP. E. BERGSAGEL moved that HB 664 BE TABLED.

Discussion:

*{Tape : 3; Side : A; Approx. Time Counter : 57 - 201}*

Vote: Motion carried 10-8 by Roll Call Vote.

*{Tape : 3; Side : A; Approx. Time Counter : 201 - 218}*

EXECUTIVE ACTION ON HB 490

Motion: REP. E. BERGSAGEL moved that HB 490 BE TABLED.

Discussion:

*{Tape : 3; Side : A; Approx. Time Counter : 218 - 270}*

Substitute Motion: REP. MENAHAN made a substitute motion that HB 490 DO PASS.

Motion: REP. E. BERGSAGEL moved that HB 490 BE AMENDED.

Discussion:

*{Tape : 3; Side : A; Approx. Time Counter : 270 - 315}*

Vote: Motion failed 0-18.

Vote: Do Pass Motion carried 14-4 with P. Bergsagel, Cobb, Johnson, and Vick voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 315 - 333}*

EXECUTIVE ACTION ON HB 644

Motion: REP. TAYLOR moved that HB 644 DO PASS.

Discussion:

*{Tape : 3; Side : A; Approx. Time Counter : 333 - 430}*

Vote: Motion carried 15-3 with Barnhart, P. Bergsagel, and Kasten voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 430 - 435}*

EXECUTIVE ACTION ON HB 313

Motion: REP. FISHER moved that HB 313 DO NOT PASS.

Substitute Motion: REP. FISHER made a substitute motion that HB 313 BE TABLED.

Discussion:

{Tape : 3; Side : A; Approx. Time Counter : 435 - Side : B; Approx. Time Counter : 68}

Vote: Motion failed 9-9 with Barnhart, Buzzas, Cobb, Haines, McCann, Menahan, Peck, Quilici and Tropila voting no.

Motion: REP. KASTEN moved that HB313 DO PASS.

Discussion: The motion was withdrawn. Action on this bill was postponed.

{Tape : 3; Side : B; Approx. Time Counter : 68 - 107}

Discussion: Subcommittee report was given on the Jobs and Income bills, HB 238 and HB 252.

{Tape : 3; Side : B; Approx. Time Counter : 107 - 224}

#### EXECUTIVE ACTION ON HB 238

Motion: REP. E. BERGSAGEL moved that HB 238 BE TABLED.

Discussion:

{Tape : 3; Side : B; Approx. Time Counter : 224 ~~EXHIBIT~~ (aph62a17)}

Vote: Motion carried 16-2 with Haines and Taylor voting no.

Discussion:

{Tape : 3; Side : B; Approx. Time Counter : 394 - Tape : 4; Side : A; Approx. Time Counter : 57: Comments : Continued discussion about the coordination of HBs 238, 252 and HB 2. The committee recessed until 3:15PM.}

#### HEARING ON SB 27

Opening Statement by Sponsor:

Sen. John Hertel, SD 47, presented SB 27.

{Tape : 4; Side : A; Approx. Time Counter : 57 - 124}

Proponents' Testimony:

Annie Bartos, Chief Legal Counsel, Department of Commerce.

{Tape : 4; Side : A; Approx. Time Counter : 124 ~~EXHIBIT~~ (aph62a18)}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

*{Tape : 4; Side : A; Approx. Time Counter : 194 - 290}*

Closing by Sponsor:

*{Tape : 4; Side : A; Approx. Time Counter : 290 - 327}*

EXECUTIVE ACTION ON HB 653

Motion: REP. E. BERGSAGEL moved that HB 653 DO PASS.

Motion/Vote: REP. E. BERGSAGEL moved that HB 653 BE AMENDED.

Motion carried unanimously.

EXHIBIT (aph62a19)

*{Tape : 4; Side : A; Approx. Time Counter : 327 - Side : B;  
Approx. Time Counter : 30}*

Motion: REP. E. BERGSAGEL moved that HB 653 DO PASS AS AMENDED.

Discussion:

*{Tape : 4; Side : B; Approx. Time Counter : 30 - 68; Comments :  
Rep. E. Bergsagel withdrew the motion. Further action was  
postponed.}*

EXECUTIVE ACTION ON HB 313

Motion: REP. BUZZAS moved that HB 313 DO PASS.

Motion: REP. BUZZAS moved that HB 313 BE AMENDED

EXHIBIT (aph62a20)

EXHIBIT (aph62a21)

Discussion:

*{Tape : 4; Side : B; Approx. Time Counter : 68 - 140; Comments :  
Further action on HB 313 was suspended without objection.}*

EXECUTIVE ACTION ON HB 664

Discussion:

HB 664 was discussed and amendments were proposed. The committee was polled regarding its intent regarding HB 313.

*{Tape : 4; Side : B; Approx. Time Counter : 140 - 381}*

EXECUTIVE ACTION ON HB 252

Motion: REP. TROPILA moved that HB 252 BE RECONSIDERED.

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 381 - Tape : 5; Side : A; Approx. Time Counter : 010; Comments : Proposed amendments were discussed.}

Vote: Motion carried 12-6 with P. Bergsagel, Cobb, Johnson, Kasten, McCann, and Peck voting no.

{Tape : 5; Side : A; Approx. Time Counter : 10 - 66; Comments : Further discussion on HB 252 occurred.}

Motion: REP. TROPILA moved that HB 252 DO PASS.

Motion: REP. TROPILA moved that HB 252 BE AMENDED to strike sections 7, 12, 13, 14 and 15.

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 66 - 143}

Vote: Motion carried unanimously.

Motion/Vote: REP. VICK moved that HB 252 BE AMENDED to sunset the program July 1, 2001. Motion carried unanimously.

{Tape : 5; Side : A; Approx. Time Counter : 143 - 149}

Motion: REP. TROPILA moved that HB 252 DO PASS AS AMENDED.

{Tape : 5; Side : A; Approx. Time Counter : 149 - 156; Comments : Rep. Tropila withdrew the motion.}

Motion/Vote: REP. JOHNSON moved that HB 252 BE AMENDED by cutting the balances in half. Motion carried 14-4 with Cobb, Taylor, Tropila, and Witt voting no.

{Tape : 5; Side : A; Approx. Time Counter : 156 - 176}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 176 - 206}

Motion/Vote: REP. TROPILA moved that HB 252 DO PASS AS AMENDED. Motion passed 12-6 with Barnhart, P. Bergsagel, Cobb, McCann, Peck, and Vick voting aye.

{Tape : 5; Side : A; Approx. Time Counter : 206 - 225}

EXECUTIVE ACTION ON HB 131

Motion: REP. KASTEN moved that HB 131 DO PASS.

Motion: REP. KASTEN moved that HB 131 BE AMENDED ~~EXHIBIT~~ (aph62a22)  
{Tape : 5; Side : A; Approx. Time Counter : 225 - 276; Comments:  
Conceptual amendments were added.}

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 276 - Side : B;  
Approx. Time Counter : 174}

Vote: Motion carried unanimously.

{Tape : 5; Side : B; Approx. Time Counter : 174 - 178}

Motion/Vote: REP. QUILICI moved that HB 131 DO PASS AS AMENDED.

Motion carried 17-1 with Vick voting no.

{Tape : 5; Side : B; Approx. Time Counter : 178 - 186}

#### EXECUTIVE ACTION ON HB 653

Motion: REP. E. BERGSAGEL moved that HB 653 DO PASS AS AMENDED.

Discussion:

{Tape : 5; Side : B; Approx. Time Counter : 186 ~~EXHIBIT~~ (aph62a23)}

Vote: Motion carried 11-7 with Barnhart, Buzzas, McCann,  
Menahan, Peck, Quilici, and Tropila voting no.

{Tape : 5; Side : B; Approx. Time Counter : 207 - 237}

#### EXECUTIVE ACTION ON HB 431

Motion: REP. E. BERGSAGEL moved that HB 431 DO PASS.

{Tape : 5; Side : B; Approx. Time Counter : 237 - 260; Comments :  
Rep. E. Bergsagel withdrew the motion.}

#### EXECUTIVE ACTION ON HB 14

Discussion:

{Tape : 5; Side : B; Approx. Time Counter : 260 - Tape : 6; Side  
: A; Approx. Time Counter : 84; Comments : HB 14 was discussed at  
length.}

Motion: REP. JOHNSON moved that HB 14 DO PASS.

Motion: REP. JOHNSON moved that HB 14 BE AMENDED to restore the  
bill to the language it had when it came from the subcommittee.

**Discussion:**

***{Tape : 6; Side : A; Approx. Time Counter : 84 - 430}***

**Vote:** Motion on the amendment **failed 7-11 by Roll Call Vote.**

**Vote:** Do Pass as Amended Motion **failed 3-15 by Roll Call Vote.**

***{Tape : 6; Side : A; Approx. Time Counter : 430 - Side : B;  
Approx. Time Counter : 002}***

**ADJOURNMENT**

Adjournment: 6:10 P.M.

---

REP. TOM ZOOK, Chairman

---

JOANNE GUNDERSON, Secretary

TZ/JG

**EXHIBIT** (aph62aad)